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Docket No. B2791

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
PETER J.A. TIJM et al )  
Serial No. 10/804,803 )  
Filed: March 19, 2004 )

Examiner: Jafar Parsa  
Art Unit: 1621

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Drude Faulconer  
DRUDE FAULCONER  
ATTORNEY FOR APPLICANT(S)  
8/8/05 Date Reg. No. 22,258

For: **MODIFICATION OF A METHANOL PLANT FOR CONVERTING  
NATURAL GAS TO LIQUID HYDROCARBONS**

Hon. Commissioner of Patents and Trademarks  
Washington, DC 20231

**ELECTION OF SPECIES**

Responsive to the REQUIREMENT FOR RESTRICTION, date July 26,  
2005, the applicants makes the following election, **with traverse**:

**Applicants elect Group I, i.e.**

**Claims 1-9, and 17-20 which are drawn to a process for  
converting natural gas to liquid hydrocarbons, classified in class  
518, subclass 700a.**

The requirement for restriction is considered improper and is  
traversed for the following reasons:

The claims of Group I recite a process for converting natural gas  
to a liquid hydrocarbon having a "**step**" for adjusting the carbon dioxide  
and hydrogen in the syngas which is then used to make the liquid  
hydrocarbon; see claim 1. The claims of Group II recite a "**system**" for  
converting natural gas to a liquid hydrocarbon having a "**subsystem**" for  
adjusting the carbon dioxide and hydrogen in the syngas which is then  
used to make the liquid hydrocarbon; claim 10.

It should be obvious (a) that the process of **GROUP I** can only be carried with the "system" of **GROUP II** or a system substantially the same as that recited in **GROUP II** and (b) that the system of **GROUP II** can only be used to carry out the process recited in **GROUP I** or a process substantially the same as that recited in **GROUP I**.

Method and apparatus (i.e. process and system) claims which are basically a mirror of the other have always been examined in a single application and has long been an accepted "black-letter" procedure within the USPTO. The undersigned has been in the practice of Patent Law, including that as an Examiner, for over 40 years and has prosecuted numerous applications from both sides which have been examined and issued with both process and system claims in the same issued patent. That is, it is accepted practice to draft a series of process claims which recite "steps" and then draft substantially the same claims which recite "means" for carrying out the steps.

Further, by examining all of the present claims in a single application will not require any additional effort on the part of the Examiner since he will have to search both class 518 sub 700 **AND** the appropriate subclasses of class 422 since the "disclosures" in those classes since both the art in both classes must involve the technology which the Examiner apparently considers highly pertinent to the present invention. That is, any reference pertinent to the process of **GROUP I** would also appear to have to be pertinent to the system of **GROUP II**, and vice versa. If only one of the classes were searched, the validity of any issued patent might be compromised.

Still further, nothing is to be gained by requiring applicants to seek two patents when no third party could practice the process of **GROUP I** without infringing the claims of **GROUP II** and vice versa. By maintaining the requirement for restriction and requiring the applicants to prosecute and maintain two patents when one is permissible under current procedures would only substantially increase the costs to the applicants without reducing the effort required by the USPTO.

In view of the above, it is respectfully requested that the Requirement be withdrawn and that all of the claims be examined in this application. However, if the restriction is repeated, again applicants elect claims 1-9 and 17-20 of GROUP I and ask that the non-elected claims of GROUP II be held in abeyance pending the examination of the elected claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Drude Faulconer". The signature is stylized with a large, looped initial "D" and a cursive "Faulconer".

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